

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 23, 1942.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, July 23, 1942, at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

Present also were: Acting City Manager Seaholm, City Engineer Motheral, City Attorney O'Quinn, and Chief of Police Thorp.

The Minutes of the regular meeting of July 16, 1942, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolutions:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Acting City Manager be, and he is hereby, authorized and directed, in behalf of the City of Austin, to execute a quitclaim deed to Louise K. Long to the following described property:

That portion of Lot 12, Subdivision of Evergreen Heights, City of Austin, Travis County, Texas, which is now claimed by Louise K. Long and which was involved in Cause No. 20439, in the District Court of Travis County, Texas, styled City of Austin vs J. Reed.

THAT said quitclaim deed shall be in consideration of the payment of all taxes and court costs involved in said suit, in which judgment was rendered in favor of the City of Austin, and the said property sold to the said City of Austin.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE OPERATION OF TAXICABS AND TAXICAB DRIVERS IN THE CITY OF AUSTIN UNDER THE DIRECTOR OF PUBLIC SAFETY; PRESCRIBING LICENSE FEES FOR TAXICABS AND DRIVERS THEREOF; LICENSING AND REGULATING TAXICAB TERMINAL OPERATORS; PRESCRIBING PENALTIES FOR THE VIOLATION OF THE ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING CONFLICTING ORDINANCES, EXCEPTING CERTAIN JITNEY ORDINANCES; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN DECEMBER 15, 1938, AND IS RECORDED IN BOOK "K", PAGES 440-452, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 21, SUBDIVISION (a) OF SAID ORDINANCE; AND DECLARING AN EMERGENCY.

The Ordinance was read the first time and Councilman Wolf moved that the rules be suspended and the Ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Ordinance was then read the second time and Councilman Wolf moved that the rules be further suspended and the Ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Ordinance was then read the third time and Councilman Wolf moved that the Ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor then declared that the Ordinance had been finally passed.

Councilman Alford offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

A gas main in FAIRMOUNT AVENUE from Kenwood Avenue east 140 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Fairmount Avenue.

Said gas main described above shall have a covering of not less than 24 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, W. C. Moore, owner of a tract or parcel of land out of the Isaac Decker League within the City of Austin, Travis County, Texas, which property abuts the north side of Barton Springs Road at a location west of South Congress Avenue, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the north sidewalk area of Barton Springs Road adjacent to the above described property, as shown upon the plan hereto attached marked 2-C-952, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT W. C. Moore, owner of a tract or parcel of land out of the Isaac Decker League within the City of Austin, Travis County, Texas, which property abuts the north side of Barton Springs Road at a location west of South Congress Avenue, is hereby permitted to construct a commercial driveway across the north sidewalk area of Barton Springs Road adjacent to the above described property, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints as shown upon the plan marked 2-C-952, which plan is hereby attached and made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the Engineering

Department of the City of Austin.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following applications for private boat licenses were submitted:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Barnett, Hoyett A., - 1209 Newton Street	Wilson, Outboard, 1941 Model, "Jack", Evinrude, 5-passenger
Lee, Richard E. - 3406 Cedar Street	Thompson, Outboard, 1939 Model, Johnson, 5-passenger
McRoberts, A. L. - 2709 W. Riverview	Home-made, Outboard, 1942 Model, "Pappy", Johnson, 4-passenger
Rowley, C. A. - 906 West 11th Street	Home-made, Outboard, 1941 Model, Wizard, 4-passenger

Councilman Bartholomew moved that the applications be approved, subject to the approval of the same by the Lake Austin Navigation Board. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford moved that the application of Cottage Inn, 2237 East 7th Street, by J. R. Shannon, owner, for a wine and beer permit be approved. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following ordinance was introduced and read in full the first time:

AN ORDINANCE REGULATING RATES TO BE CHARGED DOMESTIC AND COMMERCIAL CONSUMERS USING NATURAL GAS AND GAS SERVICE WITHIN THE CITY OF AUSTIN, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, BUT ONLY IN-
SO FAR AS THE SAME MAY BE IN CONFLICT; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, AND MAKING IT UNLAWFUL FOR ANY OFFICER, AGENT, OR EMPLOYEE OF ANY PERSON, FIRM, CORPORATION, RECEIVER, OR LESSEE OPERATING A GAS DISTRIBUTION SYSTEM IN THE CITY OF AUSTIN UNDER FRANCHISE TO DEMAND, EXACT, OR COLLECT FROM ANY DOMESTIC OR COMMERCIAL CONSUMER ANY CHARGE FOR NATURAL GAS OR GAS SERVICE IN EXCESS OF THE RATES HEREIN FIXED; AND DECLARING AN EMERGENCY.

Upon motion, seconded and carried, the meeting was recessed at 11:50 A. M., until 3:00 P. M.

AFTERNOON SESSION:

July 23, 1942.

The City Council reconvened at 3:00 P. M., with the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

There were present, also, Acting City Manager Seaholm and City Attorney O'Quinn, and the following representatives of the Texas Public Service Company: Wm. Lawlor, Jr., M. B. Pigott, et al.

After considerable discussion, pro and con, on the matter, Councilman Wolf moved a suspension of the rules and the placing of the following ordinance on its second reading:

AN ORDINANCE REGULATING RATES TO BE CHARGED DOMESTIC AND COMMERCIAL CONSUMERS USING NATURAL GAS AND GAS SERVICE WITHIN THE CITY OF AUSTIN, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, BUT ONLY IN-
SO FAR AS THE SAME MAY BE IN CONFLICT; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, AND MAKING IT UNLAWFUL FOR ANY OFFICER, AGENT, OR EMPLOYEE OF ANY PERSON, FIRM, CORPORATION, RECEIVER, OR LESSEE OPERATING A GAS DISTRIBUTION SYSTEM IN THE CITY OF AUSTIN UNDER FRANCHISE TO DEMAND, EXACT, OR COLLECT FROM ANY DOMESTIC OR COMMERCIAL CONSUMER ANY CHARGE FOR NATURAL GAS OR GAS SERVICE IN EXCESS OF THE RATES HEREIN FIXED; AND DECLARING AN EMERGENCY.

The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Ordinance was then read the second time and Councilman Wolf moved a further suspension of the rules and the placing of the Ordinance on its third reading. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Ordinance was then read the third time and Councilman Gillis moved that the Ordinance be finally passed. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor then announced that the Ordinance had been finally passed.

Mayor Miller then declared that by the passage of the foregoing ordinance a saving of approximately \$52,000 annually to the citizens of Austin had been effected; said amount, however, representing a compromise between the City Council and the representatives of the Texas Public Service Company as a result of negotiations between said parties for a reduction in the gas rates.

It was then moved by Councilman Alford, seconded by Councilman Wolf, that the Acting City Manager be instructed to have a resolution prepared for the next regular meeting authorizing a reduction in the light and power rates of approximately \$76,000 annually, retroactive to February 1, 1942; and that he be further instructed to make the new rate operative as soon as possible and to figure the amount of refund due consumer -- the matter of payment to be determined later. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf, 4; nays, Councilman Gillis, 1.

Councilman Gillis, in casting his vote in the negative on the foregoing question, went on record as doing so because he favors paying off the City's outstanding Water, Electric Light & Sewer System Revenue Notes, amounting to over \$500,000, before making any cut in its revenues; and, furthermore, that he opposes a refund to consumer because same would be impracticable.

Upon motion, seconded and carried, the meeting was recessed at 5:10 P. M., subject to call of the Mayor.

APPROVED

Tom Miller
MAYOR

ATTEST:

Hallie M. Keller
CITY CLERK